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OFFICE OF PETITIONS

In re Application of :
Austin M. Long III et al. :
Application No. 10/077,174 : DECISION ON PETITION
Filed: February 15, 2002 : UNDER 37 C.F.R. §1.181
Attorney Docket No.: ALI515/4-3 :
Title: PROCESS AND SYSTEM FOR :
DETERMINING CORRELATION OF :
PUBLIC AND PRIVATE MARKETS AND :
RISK OF PRIVATE MARKETS :

This is a decision on the petition filed February 5, 2007, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal, filed on December 27, 2005. No extensions of time pursuant to 37 C.F.R. §1.136(a) were received. Accordingly, the above-identified application became abandoned on February 28, 2006. A Notice of Abandonment was mailed on January 4, 2007.

With the present petition, Petitioner has asserted that a Pre-Appeal Brief Request for a Panel Review was submitted concurrently with the Notice of Appeal, and that a decision on this request has not been received.

On July 12, 2005, a notice was posted concerning the establishment of a Pre-Appeal Brief Conference Pilot Program (1296 OG 67). The notice indicated:

If the request is filed with the notice of appeal, the period of time for filing the appeal brief will be the later of the two-month period set in 37 CFR 41.37(a) or one month from the mail date of the decision on the request.

The electronic file has been reviewed, and it is clear that the relevant request was filed concurrently with the Notice of Appeal. However, it does not appear that the Office has mailed a decision by the pre-appeal brief conference panel.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of abandonment was mailed in error.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center will then notify James Kramer (the Technology Center Art Unit supervisor of the examiner of record) of this decision, so that a panel of examiners experienced in the field of technology can be designated, to review the applicant's remarks and the examiner's rejections.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).